

Council Chambers-City Council
City Hall-City of Lodi
Tuesday, September 3rd
1929

This regular meeting of the City Council of the City of Lodi was called to order by the Mayor at 8.03 o'clock P.M. on the date and at the place first hereinabove written, Councilmen Hale, Roach, Shattuck, Weihe and Spooner present, none absent.

No persons appearing, the order of Public Hearings was passed by unanimous consent and the Council proceeded to hear communications and reports.

Reports for the month of August as submitted by the Chief of Police and by the Poundmaster were read and ordered filed without comment.

American Fruit Growers having granted an easement over the easterly six feet of each of Lots 20, 21, 22, 23, 24 and 25 of Block "A" Subdivision of Lot 72 Lodi Barnhart Tract to the City in conjunction with Central California Traction Company and Pacific Telephone & Telegraph Company, the same was ordered accepted on behalf of the City by the passage of Resolution of Acceptance No. 592 by the following vote:-

AYES: Councilmen Shattuck, Roach, Hale, Weihe & Spooner.
NOES: None ABSENT: None.

The proposal of Woodbridge Irrigation District asking an annual payment toward the upkeep of their canal was again laid over for consideration.

The Goodyear Tire Company presented an estimate of the cost of changing over solid tire equipment on the two fire trucks to pneumatic tires at a cost of approximately \$450.00 was not considered.

Mr. Wilson H. Thompson and Miss Amy L. Boynton representing Lodi Public Library appeared at this time and asked that the budget for the Library be allowed without any deductions.

Mr. Ed. Schnaidt and Mr. Harry Matheny, on behalf of Lodi Business Men's Association asked that the Council consider the placing of a three hour parking limit for automobiles within the business district.

At the order of the Mayor, the City Council was resolved into Committee of the Whole and proceeded to consider the tentative budget as submitted by the City Clerk together with suggested changes made therein by members of the Library Board and Councilmen.

After returning to the Council Chambers, the Mayor announced that the budget as submitted would stand after deducting the sum of \$300 from the amount allotted to band concerts and adding a like sum to the appropriation for a street sweeper.

ORDINANCE NO. 173 " AN ORDINANCE LEVYING TAXES IN THE YEAR 1929 FOR THE FISCAL YEAR BEGINNING JULY 1, 1930 " was introduced by Councilman Hale, Weihe second, and by the same motion laid over for the statutory period of not less than five days.

City Attorney Glenn West addressed the Council regarding the necessity for advertising for bids for the making of test pits along the line of the proposed dam above Lancha Plana, presenting a plan of the dam lay-out and of the specifications for the digging of the pits as prepared by Mr. M.A. Eckart. After viewing the plan and discussing the specifications, the same were ordered approved and adopted by the passage of Resolution No. 593 by the following vote:-

AYES: Councilmen, Shattuck, Roach, Hale, Weihe & Spooner
NOES: None. ABSENT: None.

RESOLUTION NO. 593

RESOLVED, by the City Council of the City of Lodi :

That the plan and specifications this evening submitted by Mr. W.A. Eckart, C.E., Consulting engineer of this City, and entitled "SPECIFICATIONS FOR MAKING TEST EXCAVATIONS AT THE DAM SITE OF THE PROPOSED HYDRO-ELECTRIC DEVELOPMENT ON THE MOKELUMNE RIVER ABOVE LANCHA PLANA FOR THE CITY OF LODI" be and the same are hereby approved and adopted as the plans and specifications under which said work shall be done;

BE IT RESOLVED, also, that the City Clerk be and he is hereby authorized and directed, to advertise in time, form and manner as required by law, for the reception by this Council of sealed proposals or bids for performing said work and the furnishing the materials therefore, said bids to be returnable on or before 7 o'clock P.M. of Monday, October 7th. A.D.1929

Mr West advised the Council that the City's cause before the Superior Court of San Joaquin County would be materially aided by the obtaining of expert testimony regarding the ground waters of the Mokelumne basin particularly in interpreting the reports of the U.S. Geological Survey; he advised that the services of Mr B.A. Etchiverry and Mr Thomas H. Means could be obtained at a reasonable figure and recommended that they both be retained for this purpose.

Mr Etchiverry and Mr Means were retained as consulting engineers and experts by the passage of Resolution No. 594 by the following vote :-

AYES: Councilmen, Shattuck, Weihe, Hale, Roach & Spooner
 NICES: Councilmen, None. ABSENT: Councilmen, None.

RESOLUTION NO. 594

WHEREAS, the City of Lodi has commenced an action in the Superior Court of the State of California in and for the County of San Joaquin, against East Bay Municipal Utility District and others for the purpose of restraining defendants therein named from diverting waters from the Mokelumne River and for the purpose of protecting the underground water supply of said City of Lodi;

AND WHEREAS, the City Council of the City of Lodi has received a letter from Thos. H. Means and B.A. Etchiverry, a copy of which is annexed hereto marked "Exhibit A" and made part hereof; and whereas it is the desire of the said City Council to employ said Thos. H. Means and B.A. Etchiverry as its engineers for the purpose of making a study of underground water conditions in said City of Lodi and vicinity for the purpose of making the necessary report or reports and evidence as referred to in said letter;

NO THEREFORE, BE IT RESOLVED, that said City of Lodi does hereby employ said Thos. H. Means and B. A. Etchiverry pursuant to the terms and conditions set out in said letter, as its engineers for the purpose of making a survey of the underground water conditions and of all available data and information connected therewith and for the purpose of making a report or reports and furnishing the evidence as set out and contemplated in said letter;

BE IT FURTHER RESOLVED, that said Thos H. Means and B.A. Etchiverry are hereby authorized for and on behalf of said City to collect and analyze the information which has heretofore been collected and to determine the extent of new field work which will be required as mentioned and contemplated in and by items number "1" and "2" on page one of said letter;

BE IT FURTHER RESOLVED THAT SAID CITY pay said Thos. H. Means and B. A. Etchiverry for making such preliminary study of existing data and preliminary report, the sum of One Thousand Dollars and that the same be paid out of any moneys in the Treasury of said City which may be available for that purpose, the sum of Five Hundred Dollars to be paid forthwith as a retainer and the balance, to-wit: the sum of Five Hundred Dollars, upon the presentation of said preliminary report.

BE IT FURTHER RESOLVED, that ~~any~~ the Mayor of said City is hereby ordered to draw a warrant upon the Treasury of the City

for the first payment of said Five Hundred Dollars and that the same be paid out of any moneys available for that purpose.

BE IT FURTHER RESOLVED, that any further additional work after said preliminary report shall have been completed and presented and as contemplated in and by said letter, shall be done by said Thos. H. Means and E.A. Stchiverry for which they shall be paid at the rate of Seventy-five Dollars per day and expenses for each of them based upon the time employed in performing such additional work, no such additional work to be done until the same be authorized and approved by City Attorney Glenn West and Mr Robert M. Searls, attorneys representing said City in said suit

- EXHIBIT A -
(attached to foregoing and made part thereof)

THOS. H. MEANS
Consulting Engineer
11 Sutter Street
San Francisco

September 3, 1929.

City Council, City of Lodi,
Lodi, California.

Gentlemen:-

At the request of Mr. Robert M. Searls, Special Counsel for your City, we submit the following concerning our employment in the litigation over the waters of the Mokelumne River.

A great deal of the information upon the subject has been collected in recent years by the Federal Government and agencies of the State of California. The most important thing to be done is to collect and analyze this information for the purpose of seeing what additional facts will be required in the defense of the suits now pending and to prepare the available information for use in the trial.

Following this field work to collect additional information may be necessary and further office studies may be required to prepare testimony for trial. The amount of this sort of work is very difficult to estimate until there is an analysis of the material already collected and available.

We believe the following plan should be followed:

1. Collect and analyze the information which has heretofore been collected.
2. From the above determine the extent of new field work which will be required.
3. Carry on the additional field work through your engineering department. The direction of the work should be in our hands so that we can use the facts thus collected.
4. Make final preparation of the data to be presented in court in defense of the City's rights.
5. Prepare and make available all information collected which may be useful to other litigants in the defense of rights to the use of water in the vicinity of Lodi.

We would expect the sum of \$1,000.00 for the preliminary study of the existing data as outlined under (1) above.

Work following the preliminary report is difficult to estimate as the amount of it cannot be known until the value of the facts already collected has been determined by the preliminary study.

We believe that an additional sum of \$2,000 will be sufficient to cover the cost of our employment up to the time the case goes to trial. We do not like to be limited to this amount as the extent of work to be done depends to a great extent upon the way the information works out. If the occasion for additional work arises it will be possible to predict the amount and cost considerable time in advance so that sums may be provided.

Under this plan all expenses of field work will be under the City's engineering department and will be paid direct.

Councilman Meine asked that some action be taken to install a system of lighting in the Lawrence Park tennis courts and on motion duly made, seconded and carried, Supt. J.A. Henning was directed to obtain and submit to the Council a full estimate of the cost of extending electric service, installing lights and lighting this court.

Bills in the amount of \$11,595.66 as approved by the Finance Committee were allowed and ordered paid.

Supt. Henning addressed the Council regarding the use of City water in roof sprinkling systems stating that the use was excessive as most of the sprinklers installed discharge 2½ gallons per minute. He asked that a rate be fixed for charging water for this purpose.

At 11.45 P.M. the City Council adjourned to meet again on their next regular meeting date.

Attest:-

J. F. Brancey
City Clerk.

The foregoing minutes were read
and approved without correction
on September 13, 1909.

W. A. Jones
Mayor of the City of Lodi.

Sept. 13-1909.